

Office Action Summary

Application No.

09/484,260 ; 901005,904

Applicant(s)

GIPSON, THOMAS C.

Examiner

George Suchfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.6 6) ☐ Other:

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1. The disclosure is objected to because of the following informalities:

The reissue specification is objectionable under 37 CFR 1.173(a)(1) because the submitted specification fails to correspond to specification of the printed patent. More specifically, the patent text in col. 3, lines 55, which corresponds to lines 1-4 of the reissue specification, already includes the recitation "working floor 59" in line 53. Thus, the recitation "working floor [58] 59" in line 2 of the reissue specification is deemed improper, and should instead read -- working floor 59 -- .

Appropriate correction is required.

2. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

3. Claims 4-9 and 11 are rejected as being based upon a defective reissue oath under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the oath is set forth in the discussion above in this Office action.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7 and 8 recites the limitation "said opposed pivotable bullnose arms" in line 1 of each claim. There is insufficient antecedent basis for this limitation in the claim.

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This rejection could be overcome if claims 7 and 8 were amended to be dependent on claim 6.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Vita Brochure or Composite Catalog advertisement in view of Shaaban et al (5,765,643).

The Vita Brochure and the Composite Catalog advertisement depict the overall structure of coil tubing injector including both an injector reel and a coil tubing storage spool or reel. In this regard, the picture on page 1 of the Composite Catalog advertisement labeled "Self Loading/Handling of the Reel with Unit Mast" depicts a tubing storage spool cradle for the tubing storage spool which appears adjustable in both vertical and horizontal directions, by virtue of the pictured opposed pivotable bullnose arms. Furthermore, the pictures and illustrations of both the Vita Brochure and Composite Catalog clearly illustrate the coil tubing injector reel having an assembly of "multiple adjusted tensioned rollers" for exerting pressure on the coil tubing, and which is mounted over "more than 90° of the circumference" of the coil tubing injector reel, as called for in claim 11, e.g., note pages 3 and 4 of the Vita Brochure.

The Vita Brochure and/or the Composite Catalog advertisement does not explicitly call for or depict a coil tubing retrieval operation, as called for in claim 11, however the reference to Shaaban et al discloses a similar coil tubing injector including both an injector reel and a coil

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tubing storage spool or reel, which said coil tubing injector can be used for both injecting and retrieving a coil tubing (note col. 5, line 53 – col. 6, line 18).

Accordingly, it would have been obvious to one of ordinary skill in the art to which the invention pertains, to utilize the exemplary coil tubing injector depicted in the Vita Brochure and/or the Composite Catalog advertisement to retrieve coil tubing, such as previously emplaced by the said coil tubing injector, as taught by Shaaban et al, in order to reuse the coil tubing, e.g., in carrying out a well servicing operation at another well site.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other references cited disclose exemplary coil tubing injector apparatus for well completion and/or servicing.

9. Claims 4-9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and/or the rejection(s) set forth above in Para 3).

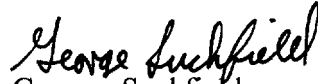
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Suchfield whose telephone number is 703-308-2152. The examiner can normally be reached on M-F (6:30 - 3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-305-7697 for regular communications and 703-305-7697 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


George Suchfield
Primary Examiner
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Gs/Suchfield
January 17, 2002

09/484,260 and 90/005,708